



United States Department of the Interior

NATIONAL PARK SERVICE
National Capital Region
1100 Ohio Drive, S.W.
Washington, D.C. 20242

IN REPLY REFER TO:

10.C. (NCR-ROCR)

Record of Determination for a temporary closure of sections of Rock Creek Park and the Chesapeake & Ohio Canal National Historical Park

Pursuant to 36 C.F.R. § 1.5, the National Park Service is imposing a temporary closure of the sections of Rock Creek Park bounded by the southbound exit ramp from Rock Creek and Potomac Parkway to Pennsylvania Ave eastbound, NW, as well as the Chesapeake & Ohio Canal National Historical Park towpath from Rock Creek and Potomac Parkway to 29th St. NW. These park sections will be closed to the public beginning on Saturday, April 1, 2017 at approximately 6:00 p.m. and remain closed until Thursday, April 6, 2017 at approximately 9:00 a.m. The Rock Creek Park multiuse trail will remain open to pedestrian and cyclists. The closed areas described above are noted on the attached map and are further delineated by fencing/barricade. Violation is prohibited.

The park closure comes at the request of the United States Secret Service (Secret Service) to provide sufficient stand-off distance to protect the President of Egypt staying at The Four Seasons Hotel, permits the Secret Service to perform security sweeps of the areas and to facilitate the arrival and departures of the President of Egypt and other Secret Service protectees and hotel guests. Lesser restrictive measures will not suffice due to the Secret Service's security-based assessment that these park areas need to be kept clear. A copy of the Secret Service's letter dated March 31, 2017 and map is attached and incorporated by reference.

This temporary and partial closure is not of a nature, magnitude or duration that will result in a "significant alteration in the public use pattern." Further, the closure will not adversely affect the park's natural, aesthetic or cultural values, and is not of a highly controversial nature given the ongoing and evolving security measures being undertaken nationwide and in Washington, D.C. following the terrorist attacks of September 11, 2001 and subsequent public safety and security alerts. Indeed, a portion of park land adjacent to the Rock Creek and Potomac Parkway and, as well as the Chesapeake & Ohio Canal National Historical Park and other nearby park areas will remain open for public activities.

Accordingly, the National Park Service determines publication as rulemaking in the Federal Register is unwarranted under 36 C.F.R. § 1.5(c). This is consistent with hundreds of earlier partial and temporary park closures or public use limitations, the legal opinion of the Office of the Solicitor, and judicial adjudications. Mahoney v. Norton, No. 02-1715 (D.D.C. August 29, 2002), plaintiff's emergency motion for injunction pending appeal denied Mahoney v. Norton, No. 02-5275 (D.C. Cir. September 9, 2002) (per curiam); Picciotto v. United States, No. 99-2113 (D.D.C. August 6, 1999); Picciotto v. United States, No. 94-1935 (D.D.C. September 9, 1994); Picciotto v. Lujan, No. 90-1261 (D.D.C. May 30, 1990); Picciotto v. Hodel, No. 87-3290 (D.D.C. January 26, 1988); Spiegel v. Babbitt, 855 F.Supp. 402 (D.D.C. 1994), aff'd in part w/o

op. 56 F.3d 1531 (D.C. Cir. 1995), reported in full, 1995 US App. Lexis 15200 (D.C. Cir. May 31, 1995)

Pursuant to 36 C.F.R § 1.7, notice of this temporary and partial closure will be made through media advisories, maps, and by posting at conspicuous locations in the affected park areas. Finally, pursuant to 36 C.F.R. § 1.5(c), this determination is available to the public upon request.



Robert A. Vogel
Regional Director

3/31/17
Date

for